



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 14, 1996

Mr. Rick DeHoyos
Senior Trial Attorney
Legal Department
City of San Angelo
P.O. Box 1751
San Angelo, Texas 76902

OR96-1872

Dear Mr. DeHoyos:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101282.

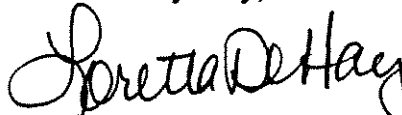
The City of San Angelo (the "city") has received a request for a copy of the police department's Standard Operations Manual. You contend that the city should not be required to comply with the request "on the basis that this request is overbroad and burdensome to comply with." In the alternative, you claim that the requested information, which you have submitted for our review, is excepted from disclosure under section 552.108 of the Government Code. We address your arguments in turn.

You assert that the city is not required to comply with the request because responding would be burdensome. A governmental body may not refuse to comply with an open records request merely because it would be difficult to do so. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 687 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Section 552.222(b) of the Government Code provides that if a large amount of information has been requested, the governmental body may discuss with the requester how the scope of a request might be narrowed. *See also* Open Records Decision Nos. 561 (1990), 563 (1990). A governmental body is required, however, to make a good faith effort to advise the requester of the types of documents available that may be responsive to the request. Open Records Decision Nos. 561 (1990), 563 (1990), 87 (1975). You state that the city asked the requestor to narrow his request and he refused to do so. Therefore, we assume that the requestor is seeking the police department's complete Standard Operations Manual.

You next contend that the city may withhold the requested information under section 552.108 of the Government Code. Should this office determine that section 552.108 does not apply to the entire manual, you seek to withhold certain enumerated chapters under that exception. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). We have reviewed the records submitted for our review and agree that you may withhold the enumerated chapters under section 552.108. However, the remaining information appears to relate only indirectly to law enforcement or the detection, investigation, or prosecution of crime. *See Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied). Therefore, you may not withhold that information under section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 101282

Enclosures: Submitted documents

cc: Mr. Michael L. Dobbins
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(w/o enclosures)